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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,357	09/16/2003	Shunpei Yamazaki	12732-167001	9624
26171	7590	11/03/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			RAABE, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,357	YAMAZAKI ET AL.	
	Examiner	Art Unit	
	Christopher M. Raabe	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/06</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Submissions filed September 18, 2006 and September 21, 2006 have been entered and acknowledged by the examiner.

2. Applicant's arguments, see arguments, filed September 18, 2006, with respect to the rejection(s) of claim(s) 1-32 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejections of claims 1-28 have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 U.S.C. 112.

Allowable Subject Matter

3. Claims 1-32 contain allowable subject matter.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose, in addition to the other limitations of the claims, a film containing fluoroplastics formed over an inorganic insulation film and a sealing substrate formed over the film containing fluoroplastics and bonded to a first substrate by a sealant so that the light-emitting device, inorganic insulating film, and film containing fluoroplastics are encapsulated (in particular, the examiner agrees with the applicant that the optional glass or metal layer adding impact resistance, disclosed by the Haskal reference, does not constitute a sealing substrate meeting the requirements of the claims). Therefore claims 1,4,8,12,15,19 contain allowable subject matter. Claims 2,3,5-7,9-11,13,14,16-18, 20-32 contain allowable subject matter as a result of their dependence upon claim 1,4,8,12,15, or 19.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2879

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,4,8,12,15,19,23-28 recite the limitation "the substrate". There is insufficient antecedent basis for this limitation in the claim. Since two separate substrates are introduced in independent claims 1,4,8,12,15, and 19, references to "the substrate" are indefinite. If it is the case (as it appears to the examiner to be) that all unmodified references to "a substrate" or "the substrate" refer to the same substrate and all references to "a sealing substrate" or "the sealing substrate" refer to another substrate, this rejection may be overcome by amending references to "a substrate" and "the substrate" to read "a [modifier] substrate" or "the [modifier] substrate" (any suitable modifier that distinguishes this substrate from the sealing substrate may be used, e.g. "base", "first", etc.).

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR


ASHOK PATEL
PRIMARY EXAMINER